

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

APPLE INC.,

Plaintiff,

v.

MASIMO CORPORATION and
SOUND UNITED, LLC,

Defendants.

C.A. No. 22-1377-MN-JLH

MASIMO CORPORATION,

Counter-Claimant,

v.

APPLE INC.

Counter-Defendant.

APPLE INC.,

Plaintiff,

v.

MASIMO CORPORATION and
SOUND UNITED, LLC,

Defendants.

C.A. No. 22-1378-MN-JLH

MASIMO CORPORATION and
CERCACOR LABORATORIES, INC.,

Counter-Claimants,

v.

APPLE INC.

Counter-Defendant.

**JOINT MOTION FOR TELECONFERENCE TO
RESOLVE DISCOVERY DISPUTES**

Pursuant to Paragraph 8(g) of the Scheduling Order (D.I. 103, C.A. No. 22-1377; D.I. 92, C.A. No. 22-1378), Defendant Masimo Corporation and third parties Knobbe, Martens, Olson & Bear, LLP, and Steve Jensen, and Plaintiff Apple Inc. and third parties Sterne, Kessler, Goldstein & Fox PLLC, Brownstein Hyatt Farber Schreck, LLP, Fish & Richardson P.C., and Dan Smith, respectfully move to schedule a conference to address outstanding disputes regarding the following discovery issues:

- Motions by Knobbe, Martens, Olson & Bear, LLP, and Steve Jensen to quash Apple's subpoenas to them; and
- Motions by Apple, Fish & Richardson P.C., Sterne, Kessler, Goldstein & Fox PLLC, Brownstein Hyatt Farber Schreck, LLP, and Dan Smith to quash Masimo's subpoenas to Fish & Richardson P.C., Sterne, Kessler, Goldstein & Fox PLLC, Brownstein Hyatt Farber Schreck, LLP, and Dan Smith.

The following attorneys, including at least one Delaware Counsel and at least one Lead Counsel per party, participated in a verbal meet-and-confer by telephone on the following date: September 15, 2023.

Delaware Counsel:

For Masimo, Knobbe Martens, and Jensen: John C. Phillips, Jr.

For Apple, Sterne Kessler, Brownstein Hyatt, Fish & Richardson, and Smith: David E. Moore

Lead Counsel:

For Masimo, Knobbe Martens, and Jensen: Stephen Larson, Mark Lezama

For Apple, Sterne Kessler, Brownstein Hyatt, Fish & Richardson, and Smith: Jordan Malz, Benjamin Luehrs, Jeffrey Seddon, Cristina Salcedo, Raymond Habbaz

The parties are available for a teleconference on the following dates: October 27, 30, and 31, 2023. The parties respectfully request the earliest date available on the Court's calendar.

All named parties and third parties consent to this Court resolving these disputes under

the Court's procedures governing discovery disputes.

Dated: October 17, 2023

POTTER ANDERSON & CORROON LLP

PHILLIPS MCLAUGHLIN & HALL, P.A.

/s/ David E. Moore

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